

Remarks

I. Introduction

This is in response to the Final Office Action dated October 31, 2006.

Claims 1, 6, 7, 16, 18-21, 24, 25, 27-29, 32, 33, 37, 39, and 41 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,956,573 (Bergen) in view of U.S. Patent No. 6,810,526 (Menard). Claims 2-5, 10-15, 22, 26, 34-36, and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of Maybury. Claims 9, 30, and 43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of U.S. Patent Publication No. 2002/0152477 (Goodman). Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of U.S. Patent Publication No. 2001/0013123 (Freeman). Claim 38 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of U.S. Patent No. 5,805,763 (Lawler). Claims 42 and 44 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of U.S. Patent Publication No. 2000/0076378 (Omoigui). Claim 45 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and Omoigui and further in view of U.S. Patent No. 6,289,346 (Milewski). Claim 46 was rejected under 35 U.S.C. §103(a) as being unpatentable over Maybury in view of Omoigui and U.S. Patent Publication No. 2004/0117831 (Ellis), which incorporates U.S. Patent Application No. 09/378,533 (McKissick). Claims 47 and 48 were rejected under 35 U.S.C. §103(a) as being unpatentable over Maybury in view of Omoigui and Ellis (which incorporates McKissick) and further in view of Menard. Claim 51 was rejected under 35 U.S.C. §103(a) as being unpatentable over Maybury in view of Omoigui and Ellis.

In response, Applicants have amended claims 1, 21, and 33. Applicants have canceled claims 46, 47, and 50-51. Claims 7, 8, 31, 48, and 49 were canceled in a previously filed Amendment. Claims 1-6, 9-30, and 32-45 remain

for consideration. Applicants also submit herewith a Request for Continued Examination in response to the finality of this Office Action.

V. Rejections under 35 U.S.C. §103

Claims 1, 6, 7, 16, 18-21, 24, 25, 27-29, 32, 33, 37, 39, and 41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard. Claims 2-5, 10-15, 22, 26, 34-36, and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of Maybury. Claims 9, 30, and 43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of Goodman. Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of Freeman. Claim 38 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of Lawler. Claims 42 and 44 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and further in view of Omoigui. Claim 45 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bergen in view of Menard and Omoigui and further in view of Milewski. Claim 46 was rejected under 35 U.S.C. §103(a) as being unpatentable over Maybury in view of Omoigui and Ellis, which incorporates McKissick. Claims 47 and 48 were rejected under 35 U.S.C. §103(a) as being unpatentable over Maybury in view of Omoigui and Ellis (which incorporates McKissick) and further in view of Menard. Claim 51 was rejected under 35 U.S.C. §103(a) as being unpatentable over Maybury in view of Omoigui and Ellis.

In order for an invention to be obvious under 35 U.S.C. 103(a), there must be some suggestion to combine or modify cited prior art references in a manner that would show or suggest the claimed invention. In the present case, none of the cited references, alone or in combination, show or suggest all elements of the claimed invention of amended claims 1, 21, and 33. Therefore, none of the cited references, either alone or in combination, disclose Applicant's invention.

Bergen is directed to a method and apparatus for comprehensively representing video information in a manner facilitating indexing of the video information. In particular, Bergen describes dividing a continuous video stream into a plurality of video scenes; and at least one of the steps of dividing, using intra-scene motion analysis, at least one of the plurality of scenes into one or more layers; representing, as a mosaic, at least one of the plurality of scenes; computing, for at least one layer or scene, one or more content-related appearance attributes; and storing, in a database, the content-related appearance attributes or said mosaic representations. (Abstract).

Menard describes a system for monitoring broadcast channels, including a device for receiving a plurality of broadcast channels, a central search engine operable to search the received channels for a match with a pre-stored profile, a central memory connected to the search engine for storing the profile, and a plurality of user terminals connected to the search engine over a network.

Amended, independent claim 1 claims the limitation of:

periodically notifying the user that the customized video presentation is available for access from a remote location.

The Office Action states (with respect to dependent claim 9) that “Bergen and Menard are silent on the predetermined program schedule.” (Office Action, Page 19). The Office Action then relies on Goodman to cure the deficiencies of Bergen and Menard.

Goodman discloses a system and method for managing modules of interactive television applications. Goodman states that the modules can be “transmitted to the television receiver in a cyclic manner” and, because of this, are “often referred to as a carousel.” (Goodman, paragraph [0021]).

The Office Action uses Goodwin’s transmission of modules in a cyclic manner to state that it would be obvious to modify Bergen in view of Menard to include programs being delivered in a “carousel or cyclic manner periodically or at a predetermined schedule”. (Office Action, page 19).

Amended, independent claim 1, however, does not claim that a video presentation is being periodically delivered but rather claims “periodically notifying the user that the customized video presentation is available for access from a remote location.” Thus, independent claim 1 requires periodic notifications sent to a user that a customized video presentation is available.

Amended, independent claim 21 claims the limitation of:

wherein the video server periodically notifies the user when the customized video presentation is available for access from a remote location.

Similarly, independent claim 33 claims the limitation of:

wherein said software client periodically receives notifications that the customized video presentation is available for access from a remote location.

As described above, none of the cited references disclose these limitations. Therefore, independent claims 21 and 33 are allowable over the cited art.

Allowance of the independent claims is requested. The remaining claims are dependent upon an allowable independent claim and are therefore also allowable.

VI. No New Matter Has Been Added

The amendments to claims 1, 21, and 33 do not add new matter. Support for the claim amendments are shown at least in paragraphs [0027] and [0056] of the Specification and originally filed claims 8 and 31.

VII. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,



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